

March 30, 2006



Marlene H. Dortch  
Secretary  
Federal Communications Commission  
TW-A325  
445 Twelfth St., SW  
Washington, DC 20554

Re:           *Notice of Ex parte* presentation in ET Docket No. 04-186, ET Docket No. 04-151, WT Docket No. 06-49, MB Docket 05-312, and WT Docket No. 05-211

Dear Ms. Dortch:

On March 29, 2006, Harold Feld of Media Access Project, and Michael Calabrese and Jim Snider of New America Foundation, met with Commissioner Adelstien and his advisors, Barry Ohlson and Ruddy Brioche, with regard to the above captioned proceedings.

With regard to ET Docket 04-186, Mr. Feld and Mr. Calabrese urged that the Commission used expeditiously to conclude Docket 04-186 in a manner favorable to allowing unlicensed access in the white spaces. In addition to arguments already made in this docket, Mr. Feld and Mr. Calabrese observed that the interest in municipal wireless systems created both a need for new spectrum and a certainty that there would be sufficient investment in such technology to make deployment worthwhile. Mr. Feld also observed that unlicensed broadband devices had proved invaluable supplements to information infrastructure during the Katrina and Rita aftermath, and that access to the white spaces would have huge positive impacts on the availability of wireless broadband in emergency situations.

With regard to ET Docket No. 04-151, Mr. Feld and Mr. Calabrese urged the Commission to move expeditiously to deny the *Petitions for Reconsideration*, as the pendency of these petitions discourages investment in equipment and prevents deployment until the matter is resolved.

With regard to WT Docket No. 06-49, Mr. Feld and Mr. Calabrese explained that while the notice is facially neutral, it reflects a shift in position by the Commission to favor licensed users over unlicensed users. Rather than determine ways to expand the usefulness of the band to licensed users – who bid on licenses fully aware of the limitations and whose service has been displaced by other technologies, including unlicensed technologies – the public interest would be better served by cancelling the licenses or migrating the licensees and expanding the availability of unlicensed

spectrum in the 900 MHz band.

With regard to MB Docket No. 05-312, Mr. Feld and Mr. Snider reiterated the arguments made by NAF, *et al.* in their filed comments in that proceeding.

With regard to WB Docket 05-211, the points raised by Mr. Feld were substantially identical to the arguments made in previously filed *ex partes*. The only additional information was to observe that Communications Daily on March 27 had reported that an analyst speculated that Verizon Wireless supported anonymous bidding because Verizon Wireless felt it had been targeted in some auctions. Mr. Feld also observed that the conduct of Auction 55, while not conclusive, lent some credence to this suspicion. In Auction 55, Cellco, Verizon Wireless' holding company, found itself in a number of unusually contested auctions and appeared to pay a premium for licenses relative to the prices paid for comparable licenses by others. However, this does not provide definitive proof that Verizon Wireless was "targeted" in Auction 55, since other factors might explain this pattern. It is sufficiently unusual, however, that the claim that Verizon Wireless was targeted cannot be dismissed.

In accordance with Section 1.1206(b) of the Commission's Rules, 47 C.F.R. § 1.1206, this letter is being filed with your office. If you have any questions, please do not hesitate to contact me.

Respectfully Submitted,

Harold Feld  
Senior Vice President

cc:  
Commissioner Adelstien  
Rudy Brioche  
Barry Ohlson